IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4166 OF 2004
IN
FIRST APPEAL NO.1082 OF 2004

Prem Kaliandas Daryanani .. Applicant.
Versus
Natvarlal C.Modi & Ors. .. Respondents.

Mr.R.M.Nakhawa for the applicant.
Ms.N.A.Bandukwala for respondent nos.1 to 4.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : FEBRUARY 10, 2005.

P.C.

1. Heard Mr.Nakhawa, learned counsel for the applicant and Ms.Bandukwala, learned counsel for respondent nos.1 to 4.

2. This civil application is for return of document mentioned in the prayer clause for the purpose of getting endorsement from the registration office under ‘amenesty scheme’. The stamp fee has been paid. The document was chargeable, however, it was not charge. Taking into consideration large number of the documents the government has formed amenesty scheme. Mr.Nakhawa, learned counsel showing the certified copy stated that the said additional chargeable amount has been deposited by the applicant. However, he is seeking the document for the purpose of getting endorsement of the registration office. Ms.Bandukwala, learned counsel for respondent nos.1

to 4 vehemently opposed on the ground that there was no transfer as is evident from the document between the applicant and respondent nos.1 to 4 and the said property has been disposed of to respondent nos.6 and 7. We are not hearing the matter on merits and presently we are only concerned with getting endorsement of the registration office on the said document and what is consequence of such endorsement for the parties will be matter to be considered when we hear the matter since all the endorsement are made during the pendency of the appeal and even if there is objection from respondent nos.1 to 4 we are inclined to grant this application. Civil application is allowed in terms of prayer clause (b) subject to the applicant filing an undertaking that on getting endorsement from the registration office the original document will be reproduced within a week, after the endorsement is made by the concerned officer. Mr.Nakhawa, learned counsel for the applicant makes a statement that within three weeks the document will be reproduced in the court after getting the document from this court.

3. Parties to act on an ordinary copy of this order duly authenticated by the Sheristedar of this court.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

:hcs/sbm/